

Sage-grouse Habitat Conservation Advisory Council

Meeting 1: Establishing the need, clarifying objectives, and providing background information
Location: Capitol Building, Room 152, 1301 E. 6th Ave., Helena, MT
Dates: May 21 – 23, 2013

May 21, 2013

Council representatives: Paul Callahan, Pat Connell, Janet Ellis, Gary Forrester, Jay Gore, Robert Lee, Glenn Marx, Ray Shaw, Carl Wambolt, Brad Hamlett, Jeff Hagener

Agency/invited partners:

USFWS: Pat Deibert, Jodi Bush, Brent Esmoil;
Idaho Fish and Game Department, Don Kemner;
Bureau of Land Management: Theresa Hanley, John Carlson;
Department of Natural Resources and Conservation: Shawn Thomas;
US Forest Service: Mary Manning;

Montana Fish, Wildlife and Parks: Ken McDonald, Rick Northrup, Catherine Wightman

Public: Rusty Shaw, Denbury Resources; Bob Green, Cloud Peak Energy; Leo Berry, GNP; Hope Stockwell, Legislative Services; Melissa Lewis, ONEOK, Patrick Farmer, Westech Environmental Services; Aidan Myhre, Denbury Resources; Dave Galt, Montana Petroleum Association; Laura Blake, Arch Coal; Jay Bodner, MSGA; Gail Abercrombie, Gaila Consulting;

Overview of intent, goal, & considerations

Jeff Hagener, FWP

- All stakeholders paramount for success
- Address major habitat threats for sage-grouse as identified in listing decision and recent USFWS COT report
- Compliment ongoing management on BLM land, NRCS programs, checker-board pattern of landownership important that we all work together.
- May have up to 10 meetings
- Council selected to represent various interest groups (McChesney absent); tribal representative not appointed yet; Tim Baker (absent for this meeting) will be co-facilitating Council

USFWS listing decision and perspective

Pat Deibert, USFWS

Pat Deibert, USFWS National Sage-grouse Coordinator, presented the USFWS Endangered Species Act listing process and criteria for listing as it relates to sage-grouse and the Conservation Objective Report. Presentation: deibert_21May.pdf

Sage-grouse conservation state process in ID

Don Kemner, IFGD

Don Kemner, Wildlife Program Coordinator, presented the process and outcome of Idaho's Sage-grouse Task Force recommendations and resultant Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-grouse Management in Idaho. Presentation: Kemner_21May.pdf

Sage-grouse conservation state processes, WY and UT

Bob Budd, WY Wildlife and Natural Resources Trust

- Presented on WY philosophy and conclusions

- Collaborative process, short timeline, met every 10 days, kept everyone on task, didn't do a pure consensus approach – 80% agreement and then moved on.
- Key points
 - Any plan has to address threats that are out there. Look at COT report to show threats across range
 - Core areas – Birds present across 80-85% of state, but 85% of birds live on 24% of land mass.
 - Adequate regulatory mechanisms – Option: 1. Voluntary, 2. Regulatory process – state lands, DEQ, dept of ag., state engineer etc. state regulatory agencies in WY would write a different rule, 3. Legislative – not proper venue for crafting language, 4. Executive order – what they chose to do in Wyoming. This is adequate regulatory mechanism. All state agencies required to follow Executive order unless otherwise directed by other action. Agencies had 30-days to indicate how they would comply. Then worked with BLM to get them to adopt plan on federal lands – used an MOU.
 - Standards and process – relied on best science available at the time. Made revisions. Industry has been partner from beginning.
- Governor Meade willing to provide help from WY for MT's process.
- UT and NV planning
 - UT more similar to WY effort. USFWS, BLM, FS, WGFD, etc sat at table. Partnership with federal partners; decision makers within agency.
 - UT is struggling how to implement their plan. Counties have regulatory authority.
 - NV one of the better plans but very specific to NV; may bleed over to UT and ID a little; difference is threat – wildfire and invasives biggest threats! Big activity on landscape is gold mining. Very heavy on mitigation and replacement component. Very good fire plan
 - Two plans that will be most alike, expects it will be MT and WY because of threats and habitat

Bob Green and Pat Deibert can provide additional input on WY's process.

May 22, 2013

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Department of Natural Resources and Conservation: John Tubbs, Shawn Thomas;

US Forest Service: Mary Manning;

Natural Resources Conservation Service: Joyce Swartzendruber, Jerry Schafer, Pete Husby

Montana Fish, Wildlife and Parks: Ken McDonald, Rick Northrup, Catherine Wightman

Public: Laura Blake, Arch Coal; Rusty Shaw, Denbury Resources; Melissa Lewis, ONEOK; Richard Brown, WYO-BEN, Inc and NW Mining Association; Jeff Tiberi, Montana Association of Conservation Districts; Leo Berry, GNP; Patrick Farmer, Westech;

Basic sage-grouse ecology

Catherine Wightman, FWP

Catherine Wightman presented on sage-grouse basic ecology and discussed why sage-grouse conservation needs to happen at local and landscape-scales.

Presentation: Wightman1_22May.pdf

Sage-grouse conservation issues**Rick Northrup, FWP**

Rick Northrup presented on range-wide and Montana-specific threats to sage-grouse populations.

Presentation: Northrup_22May.pdf

Sage-grouse conservation strategies, FWP**Catherine Wightman, FWP**

Catherine Wightman discussed current efforts to address threats in Montana from Fish, Wildlife and Parks' perspective.

Presentation: Wightman2_22May.pdf

Sage-grouse conservation strategies, BLM**Theresa Hanley & John Carlson, BLM**

Theresa Hanley and John Carlson presented on the BLM Resource Management Plan revision and amendment process and interim management for sage-grouse on BLM lands prior to completion of Resource Management Plans.

Presentation: Hanley_Carlson_22May.pdf

Sage-grouse conservation strategies, USFS**Mary Manning, USFS**

- Only one planning unit in northern region where the sage-grouse is on Regional Forester sensitive species list, meaning they have special management considerations
- Beaverhead/Deerlodge Forest Plan – revised under old planning rule. Planning rule calls for suitable and well-distributed habitat
- FS is part of the BLM Idaho and southwest MT planning area.
- FS is doing restoration of sagebrush habitat for sage-grouse; they don't have any leks on forest but do have late-brood rearing habitat
- FS is doing some burning around Fleecer Mtn. to remove encroaching conifer.
 - MOU with FWP from 2002 that discusses a burn mosaic. Using this to move forward with project.
- Custer NF – will follow up with Custer NF to determine if it is necessary to revise their forest plan for sage-grouse.

Sage-grouse conservation strategies, NRCS**Joyce Swartzendruber & Pete Husby, NRCS**

Joyce: NRCS grew up out of dustbowl days; intent was to stop erosion on private lands; services offered through conservation districts;

- Primarily professional employees, soil scientists, range managers, few biologists, few agronomists, very few economists
- Much of the land at risk right now is privately owned
- Ranchers are their customers, do more than sage-grouse and grazing
- Write conservation plans, grazing management plans – provide financial assistance
- Farm Bill critical to delivering Sage-grouse Initiative
- Dollar often key to influence conservation; but some ranchers still don't want to work with government – sales part of job.
- Protecting customers, in addition to protecting sage-grouse
- SGI strategy developed with stockgrowers, DNRC, multiple other partners. Strategy available online at mt.usda.gov, click on sage-grouse picture
- Can't do a shotgun approach and have an impact on the landscape
- Picked core area 4 (Roundup) – small, staff that was interested, mostly private land; started with range inventory on 16 properties; of those 9 decided on grazing management plan (e.g., rotation

grazing); then national decided on SGI so \$ coming in; Now moving toward protection (e.g., FRPP);

- Conservation Steward Program contract – keep ranchers doing what they have been doing under SGI; many of the ranchers have found such benefit from what they are doing that they will likely keep doing it.
- Issue is staff times. Key – funds through matching entities.

Pete Husby presented on Montana's Sage-grouse Initiative.

Presentation: Husby_22May.pdf

Sage-grouse conservation strategies, DNRC

John Tubbs & Shawn Thomas, DNRC

John Tubbs introduced the structure of DNRC.

- 5 divisions within dept., plus oil and gas
- Conservation and Resources Development Division – provides services to conservation districts and NRCS (coordinates with MACD)
 - Rangeland grants and loans – tools for grazing management, could look at modifications if that appears to be necessary
- Forestry Division – forestry assistance program, provides technical assistance to forest and rangeland owners across MT
 - Fire program administered, 5 initial attack helicopters, fairly large fire attack group
- Trust Land division – see handout from Shawn Thomas
- Water rights division – much of this is exempt
- Board of Oil and Gas Conservation – appointed commission, attached administratively; they are the agency that sets surface occupancy and well pad densities. They set the regulations for oil and gas in MT. DNRC operates under same regulations.

Shawn Thomas, Trust Land Management Division Administrator, discussed how his division is applying resource decisions.

Handout: Thomas_22May.pdf

Public Comment:

Dave Galt – Montana Petroleum Association

Handouts: Map plots every well producing in MT, 45,600 dots; can see where oil and gas active

- Gas primarily in Hi-Line
- Oil primarily in Richland/Fallon
- Bright spot in oil and gas, CO2 injections. CBM development collected a lot of data in Cedar Creek Anticline that is available to use – offering this to Council
- Fidelity adopted suggestions from MT state plan when it was hot off press in 2005; now researchers have produced models to try to explain what's happening. We have 8 years of working with the state guidelines to see if they are having a positive impact.
- WY 5% disturbance cap – doesn't do industry any good.
- Distinction between drilling and production – less disturbance in production mode than drilling mode. Important in CO2 recovery because using infrastructure already in place.

Bob Green – Cloud Peak Energy

- Coal 101 presentation to WY, would appreciate opportunity to present to this group if possible
- Consider June session in Southeastern MT – host a tour of Spring Creek Mine

- CCA (Candidate Conservation Agreements) – hopefully this group can keep in mind that CCA may be a viable alternative to an executive order
- Main objective is to outline that coal industry is already heavily regulated and additional regulations would likely shut them down
- Can provide a summary of the voluntary measures that coal is taking
- Please consider a representative from coal industry on Council
- Establishing sagebrush, etc. coal industry has been looking at these restoration/reclamation techniques, would like to provide this information as well.

Richard Brown – WYO-BEN, Inc. and NW Mining Association

- Corporation – mining in Billings area; vital interest in sage-grouse, e.g., installing guzzlers on reclaimed lands, received BLM sustainable award
- Applaud state of MT for putting together Council
- Concern – resulting product and what a particular federal action might mean to that. NTT report at least as much a policy document as a science document. Judge Windmill held that NTT was best available science, now threshold that everything else held to. Number of criteria are being incorporated in the BLM plans. Some are mining specific. Can include withdraw of mining in core areas, validity exams (this only came up with mineral patenting process in past). Reduce disturbance to 5%, threshold for action and BLM must pay attention to it. BLM recognizes multi-use approach but hard to see how that will be the case with the Judge's decision.
- NW Mining Association – contractor exhaustive review of regulation, laws, NTT surrounding sage-grouse to see what reality really was. Says NTT was flawed on a number of fronts: team participation and NEPA.

May 23

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Identify highest priority conservation issues for Advisory Council to address

Priority List

High=high priority to address; Low=low priority to address. This is different than listing as high priority threat, i.e., if it is listed in COT.

High

Infrastructure
Oil and gas development
Wildfire & prescribed fire
Invasive species
Agricultural conversion
Sagebrush elimination
Grazing
Disease
Predation

Low

Urbanization
Coal/strip mining
Hard rock mining
Conifer invasion
Water development
Contaminants
Weather
Recreation
Hunting – white paper
Climate change
Isolated, small populations
Free-roaming equids

Identify final product (e.g., statute, ex. order, conservation agreement)

No final decisions made. Council will determine at a later meeting if an Executive Order is the appropriate mechanism and/or if legislative action would be appropriate at some time in the future.

Agree on process for Advisory Council

Approved motion: Director Hagener will recommend to Governor Bullock adding a representative to Council from Coal Industry

Informal decision: It is appropriate to have an alternate participate in meetings for an absent Council member but alternate will not have voting privileges.

Approved motion: Motions will pass with 75% vote of quorum.